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| 10/811,263                 | 03/26/2004  | Boris Kalinichenko   | 08575-104001        | 1624             |
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| FISH & RICHARDSON PC       |             |                      | EXAMINER            |                  |
| P.O. BOX 1022              |             |                      | DEGA, MURALI K      |                  |
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|                            |             |                      | 4176                |                  |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |  |
|------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/811,263 | <b>Applicant(s)</b><br>KALINICHENKO ET AL. |
|                              | <b>Examiner</b><br>MURALI K. DEGA    | <b>Art Unit</b><br>4176                    |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) None is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 26 March 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/0256/06)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 7, and 9-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Lecouturier (US 2004/0158483).

3. With respect to **claim 1**:

4. Lecouturier discloses a system of receiving and identifying a passenger/commuter based on a unique identifier:

- Providing an electronic form (Claims 13 and 16, paragraphs [0029], [0033], [0105], [0130] and [0131], where a system is provided for commuter choices).

- receiving user-entered data for at least one field present in the electronic form (Claims 13 and 16, paragraphs [0029], [0033], [0105], [0130] and [0131], where a user provides a phone number and a security code).
- providing a link that, when activated, establishes a voice channel between the passenger and a customer representative and provides a unique identifier associated with the user-entered data that enables a customer representative to retrieve the user-entered data (Claims 13 and 16, paragraphs [0029], [0033], [0105], [0130] and [0131], where an user provides a phone number, a security code and a database storing such user information for future retrieval).

5. With respect to **claim 2**:

6. Lecoururier discloses retrieving by a computing device associated with the customer representative, the user-entered data based on the unique identifier (Paragraphs [0085 and [0135] where a system that performs retrieval of passenger information based on passenger phone number and security code).

7. With respect to **claim 3**:

8. Lecoururier discloses authenticating a user before providing the electronic form (Claims 14 and 16, where software program storing and verifying passenger information and databases that are used to authenticate passenger data).

9. With respect to **claim 4**:

10. Lecoururier discloses providing the electronic form for display on a wireless handheld device (Paragraph [0085] where a phone system is used for planning the commute).

11. With respect to **claim 5**:

12. Lecoururier discloses unique identifier comprises an extension of a phone number (Paragraphs [0029] and [0085], claim 14 and 16, where use of phone number and databases are disclosed).

13. With respect to **claim 7**:

14. Lecoururier discloses receiving user-entered data comprises receiving user-entered data corresponding to a pick-up location, a drop-off location, a date service is required, and a time service is required (Abstract, paragraphs [0004] and [0010] where passenger pick-up locations, destinations and time are discussed).

15. With respect to **claim 9**:

16. Lecoururier discloses a system for a passenger to transmit personal data where the customer representative retrieves the data of the passenger based on passenger supplied data such as phone number and security code:

- a first computing device adapted to: display an electronic form (Claims 13 and 16, paragraphs [0029], [0033], [0105], [0130] and [0131], where a system is provided for commuter choices).

- receive user-entered data for at least one field present in the electronic form (Claims 13 and 16, paragraphs [0029], [0033], [0105], [0130] and [0131], where an user provides a phone number and a security code).
- display a link that, when activated, calls a customer representative and provides a unique identifier associated with the user-entered data that enables a second computing device to retrieve the user-entered data based on the unique identifier (Claims 13 and 16, paragraphs [0029], [0033], [0105], [0130] and [0131], where an user provides a phone number, a security code and a database storing such user information for future retrieval and paragraphs [0085 and [0135] where a system that performs retrieval of passenger information based on passenger phone number and security code).

17. With respect to **claim 10:**

18. Lecouturier discloses a second computing device adapted to: receive the unique identifier, and retrieve the user-entered data based on the unique identifier (Claims 13 and 16, paragraphs [0029], [0033], [0105], [0130] and [0131], where an user provides a phone number, a security code and a database storing such user information for future retrieval).

19. With respect to **claim 11:**

20. Lecouturier discloses first computing device comprising a wireless handheld device (Paragraph [0085] where a phone system is used for planning the commute).

21. With respect to **claim 12**:

22. Lecouturier discloses the unique identifier comprises identification of a voice channel so that the voice channel cannot be accessed by an unauthorized person (Claims 13 and 16, paragraphs [0029], [0033], [0085], [0105], [0130] and [0131], where a system is provided for commuter choices and describes the security code to prevent unauthorized access by others).

23. With respect to **claim 13**:

24. Lecouturier discloses the first computing device has a capability to accept input via voice activated commands (Paragraph [0085] where a phone system is used for planning the commute which is functional equivalent of the claim limitation).

25. With respect to **claim 14**:

26. Lecouturier discloses a computer program product capable of data processing at the customer representative's end:

- provide an electronic form (Claims 13 and 16, paragraphs [0029], [0033], [0105], [0130] and [0131], where a system is provided for commuter choices).
- receive user-entered data for at least one field present in the electronic form (Claims 13 and 16, paragraphs [0029], [0033], [0105], [0130] and [0131], where an user provides a phone number and a security code).
- provide a link that, when activated, establishes a voice channel between the passenger and a customer representative and provides a unique

identifier associated with the user-entered data that enables a customer representative to retrieve the user-entered data (Claims 13 and 16, paragraphs [0029], [0033], [0105], [0130] and [0131], where an user provides a phone number, a security code and a database storing such user information for future retrieval).

27. With respect to **claim 15**:

28. Lecouturier discloses the instructions are further operable to cause the data processing apparatus to enable the customer service representative to entering additional information not included in the user-entered data to make a reservation to enable dispatching a car and billing the passenger accordingly (Abstract, claims 13, 14 and 16, paragraph [0103], where a system for information storing and retrieving, guiding the driver and charging the passengers is provided).

29. With respect to **claim 16**:

30. Lecouturier discloses the instructions are further operable to cause the data processing apparatus to retrieve, by a computing device associated with the customer representative, the user-entered data based on the unique identifier (Claims 14 and 16, where a software program storing and verifying passenger information and databases that are used to authenticate passenger data and paragraphs [0029] and [0085], where use of phone number and databases are disclosed).

31. With respect to **claim 17**:

32. Lecouturier discloses data processing apparatus to authenticate a user before providing the electronic form (Claims 14 and 16, where software program storing and verifying passenger information and databases that are used to authenticate passenger data).

33. With respect to **claim 18**:

34. Lecouturier discloses data processing apparatus to provide the electronic form for display on a wireless handheld device (Paragraph [0085] where a phone system is used for planning the commute).

35. With respect to **claim 19**:

36. Lecouturier discloses the unique identifier comprises an extension of a phone number (Paragraphs [0029] and [0085], claim 14 and 16, where use of phone number and databases are disclosed).

***Claim Rejections - 35 USC § 103***

37. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

38. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

39. Claims 6, 8, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lecouturier as applied above to claims 1-5, 7, and 9-19 under 35 U.S.C. 102(e), and further in view of Schoen et al (US 7,231,355) herein after referred to as Schoen.

40. With respect to **claim 6, 8, and 20:**

Lecouturier discloses a system for passengers to call for a ride either for a short time or for a longer periods, by providing their information along with the unique security identification based on which a dispatch/processing center with advanced communication and data processing technologies provides door-to-door transportation.

Lecouturier does not explicitly disclose making a reservation. However, Schoen teaches (Abstract, figs. 2 and 3, col. 4, ll. 40-60) a system for the passenger to choose trip itinerary and a system to provide a reservation confirmation to the passenger.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention to have combined the system of Lecouturier and Schoen to provide a private transportation with dispatch application program, passenger data storing system and transport reservation system with pick-up location, destination and time of pick-up, since

so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

***Conclusion***

41. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Ho (US 6,754,634 B1) -- A system and method for transportation scheduling, with plurality of vehicles and plurality of candidates.

42. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MURALI K. DEGA whose telephone number is (571) 270-5394. The examiner can normally be reached Monday to Thursday 7:30 to 5:00.

43. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry O'Connor can be reached on (571) 272-6787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

44. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. K. D./  
Examiner, Art Unit 4176  
May 8, 2008

/Gerald J. O'Connor/  
Supervisory Patent Examiner  
Group Art Unit 4176